IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:   09/659,693

Filing Date: September 11, 2000

Applicant: Sehat Sutardja

Group Art Unit: 2614

Examiner: Andrew C. Flanders

Title: METHOD AND APPARATUS FOR RECORDING AND
                  REPRODUCING DIGITAL DATA

Attorney Docket: MP0062

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests a Pre-Appeal Brief Conference in response to clear legal and factual deficiencies in the Final Office Action mailed March 1, 2010. Applicant reserves the right to address additional matters in any subsequent appeal brief.

SECTION 103 REJECTIONS

Claims 173-175, 178, 182-184 and 187 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,332,175 ("Birrell") in view of U.S. Pat. No. 6,233,393 ("Yanagihara"). Claims 173, 174, 182, and 183 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 7,444,439 ("Du") in view of Yanagihara. These rejections are respectfully traversed.

Claims 175-177 and 184-186 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Du in view of Yanagihara and in further view of U.S. Pat. No. 6,502,194 ("Berman"). This rejection is respectfully traversed.

Claim 173 recites a programmable processor that determines a compression format of the compressed media data after the compressed media data is retrieved from the storage device, retrieves a selected one of the plurality of processes in response to determining the compression format, and decompresses the compressed media data based on the selected one of the plurality of processes. Claim 173 further recites a storage device to store compressed media data and a plurality of processes that decompress the compressed media data.

The Examiner acknowledges that Birrell and Du do not disclose that the programmable processor is configured to determine the compression format, select a first process of the plurality of processes, and decompress the compressed media based on the first process, and instead relies on Yanagihara to make up for the deficiencies of Birrell and Du.

Further, the Examiner acknowledges that Birrell and Du do not disclose a plurality of processes, and instead takes official notice that "a number of compression standards were available."

A. *Examiner's assertion that "a number of compression standards were available" does not make a storage device to store a plurality of processes obvious.*

With respect to claim 173, Applicant respectfully disagrees that a media device including a storage device to store a plurality of processes would be obvious merely because "a number of compression standards were available." More specifically, Applicant respectfully submits that a number of compression

standards being available is not analogous to including a storage device to store the plurality of processes and to retrieving a selected one of the processes. (See Pages 3-5 of the Response).

B. *Official Notice not supported.*

Because Birrell and Du do not disclose the limitation of a storage device to store a plurality of processes as claim 173 recites, Applicant respectfully submits that Birrell and Du fall short of the "unquestionable demonstration" that is required to support official notice. (See Pages 4-5 of the Response).

In response, the Examiner cites Column 13, Lines 10-15 of Abecassis (U.S. Pat. No. 6,192,340) to disclose that "portable players are known to decompress a plurality of compression technologies." (See Page 2 of the Office Action). Here again, this cited portion only discloses that the multimedia player can decompress a plurality of compression technologies, not that the player includes a storage device to store the plurality of processes and retrieves a selected one of the plurality of processes from the storage device. For example, "the audio itself could include within and provide the required decompression software." (See Column 13, Lines 20-22 of Abecassis). In other words, like Birrell, Abecassis appears to disclose that the media player receives the decompression processes along with the received media data, not that the media player retrieves a selected one of the processes, stored on the storage device, in response to determining the compression format.

C. *Yanagihara does not show, teach, or suggest that the programmable processor retrieves a selected one of the*

plurality of processes in response to determining the compression format.

The Examiner alleges that Yanagihara discloses "a device with a general controller that determines the compression of audio data and set the decoder to decompress the given compression," citing FIG. 15 of Yanagihara. (See Page 6 of the Office Action). Applicant respectfully submits that FIG. 15 and the corresponding description are not analogous to the limitations that claim 173 recites.

Instead, Yanagihara discloses receiving control data along with the compressed media data, not determining the compression format of the compressed media data. Further, Yanagihara discloses setting decoder parameters based on the received control data, not selecting a particular process of a plurality of processes and retrieving the process from a storage device. (See Pages 6-7 of the Response).

In response, the Examiner alleges that Yanagihara reading decoder parameters is "determination." (See Page 3 of the Office Action). Applicant respectfully submits that even if reading decoder parameters is "determination," which Applicant does not concede, Yanagihara still fails to disclose selecting a particular process of a plurality of processes and <u>retrieving the process from the storage device</u>. Instead, Yanagihara discloses setting decoder parameters, not retrieving the process for a storage device.

D. *Berman fails to disclose that the user selects one of the media selections in response to the first portions, and the programmable processor retrieves the remaining portion in response to the user selection.*

Berman discloses portions of songs are initially downloaded in response to user selection. (See Column 11, Line 65 through

Column 12, Line 5). Specifically, the user selects songs 1, 2, and 3, and then "once a sizeable amount of compressed audio information is stored for that song, the playback unit begins to process the information and play the song." (See Column 12, Lines 1-4). In other words, the user selects a song before the first portions are transferred. In contrast, claim 175 recites that the user selects one of the media selections in response to the first portions. Then, after the selection, the programmable processor retrieves the remaining portion in response to the user selection. As such, Applicant respectfully submits that the structure of Berman is in direct contradiction to these limitations.
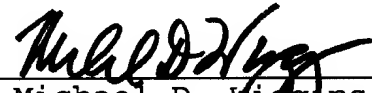
CONCLUSION

If the Examiner believes that personal communication will expedite prosecution, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: June 1, 2010   By: _____
                                        Michael D. Wiggins
                                        Reg. No. 34,754
                                        Damian M. Aquino
                                        Reg. No. 54,964

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MDW/DMA/rao